

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VINCENT LAWRENCE,

Plaintiff,

v.

Case No:

KALM FINANCIAL, INC., *et al.*,

Defendant.

/

NOTICE OF REMOVAL

Defendant Turbo Debt LLC (“Turbo Debt” or “Defendant”), by and through the undersigned attorneys, and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 and Local Rule 81.1, and with full reservation of all available defenses, hereby removes this action styled *Vincent Lawrence v. Kalm Financial, LLC, et al.*, filed in Suffolk County Superior Court, Massachusetts, Case No. 2484-CV-00798 (the “Action”) to the United States District Court for the District of Massachusetts. In support of its Notice of Removal, Turbo Debt states as follows:

I. BACKGROUND

1. On or about May 3, 2024, Plaintiff, Vincent Lawrence (“Plaintiff”), filed an Amended Verified Complaint (“Complaint”) in the Action attempting to allege purported violations under 47 U.S.C. § 227 *et seq.*, the Telephone Consumer Protection Act (“TCPA”), the Massachusetts Telemarketing Solicitation Act 159 c (MGL 159), the Massachusetts Unfair and Deceptive Trade Practices (MGL c. 93a), the Massachusetts Telephone’s Solicitor’s Access to the Massachusetts Do Not Call Registry (201 Mass. Reg. § 12.04), and the Massachusetts Wiretapping Statute (MGL c. 272 § 99).

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2. On or about May 8, 2024, Turbo Debt first received a copy of the Summons and the Amended Complaint. A true and legible copy of all process, pleadings, orders, and other papers or exhibits of every kind then on file in the Suffolk County Superior Court, Massachusetts are attached hereto as **Composite Exhibit A**. No previous application has been made for the relief requested herein.

II. BASIS FOR JURISDICTION

3. This Court has jurisdiction over this removed action pursuant to 28 U.S.C. §§ 1331 and 1441(a).

4. Plaintiff's claim could have been originally filed in this Court pursuant to 28 U.S.C. § 1331, as this Court has original jurisdiction over all civil actions arising under the "Constitution, laws, or treaties of the United States." As a result, and because Plaintiff's claim arises under the TCPA, federal question jurisdiction exists.

5. Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." This Court has federal question jurisdiction, and this Action, originally brought in the Suffolk County Superior Court, Massachusetts, is removable to the United States District Court for the District of Massachusetts.

6. Accordingly, because Plaintiff's Complaint asserts a claim arising out of a statute of the United States, this Court has federal question jurisdiction over the entirety of this Action.

III. RULE OF UNANIMITY

7. The rule of unanimity requires that in order for a notice of removal to be properly before the court, all defendants who have been served or otherwise properly joined in the Action

must either join in the removal or file a written consent to the removal. All defendants may join in this Notice of Removal of this Action when/if they make an appearance in the Action.

IV. NOTICE GIVEN

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of the instant Notice of Removal will be promptly served on all Parties, and a copy will be promptly filed with the Clerk of the Court for the Suffolk County Superior Court, Massachusetts. A copy of the Notice of Filing of Notice of Removal that will be promptly served on all Parties and filed with the Clerk of the Court for the Suffolk County Superior Court, Massachusetts is attached hereto as **Exhibit “B.”**

V. REMOVAL IS TIMELY

9. Turbo Debt was first served with Plaintiff's Complaint on May 8, 2024. The instant Notice of Removal has been timely filed within thirty (30) days of Turbo Debt's receipt of the Complaint as required by 28 U.S.C. § 1446(b). Accordingly, removal of this Action to the United States District Court for the District of Massachusetts is proper and timely.

VI. PLEADINGS AND PROCESS

10. As required by 28 U.S.C. § 1446(a) and Local Rule 81.1, Turbo Debt has attached copies of all circuit court process and pleadings to this Notice of Removal. A true and legible copy of all process, pleadings, orders, and other papers or exhibits of every kind then on file in the Suffolk County Superior Court, Massachusetts are attached hereto as **Composite Exhibit “A.”**

VII. VENUE

11. Pursuant to 28 U.S.C. § 1441(a), venue in this district is proper because this Action is currently pending in the Suffolk County Superior Court, Massachusetts, a court sitting within the United States District Court for the District of Massachusetts.

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VIII. NON-WAIVER OF DEFENSES

12. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of Turbo Debt's right to assert any defense, objection, motion or affirmative matter, including without limitation a motion to dismiss pursuant to Fed. R. Civ. P. 12.

ACCORDINGLY, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 this Court has jurisdiction over this Action, and Defendant, Turbo Debt LLC, hereby removes this Action from the Suffolk County Superior Court, Massachusetts to this United States District Court for the District of Massachusetts

Dated: June 7, 2024.

Respectfully submitted,

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Attorneys for Turbo Debt, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on this date, June 7, 2024, this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

By: /s/ Melanie A. Conroy
Melanie A. Conroy (BBO No. 568830)